

APPENDIX A: Overview of Legislative Authorities of the Department of Transportation

Section 101 of Title 49 United States Code describes the United States Department of Transportation (DOT) purpose as follows:

The national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of the United States.

Set forth below is a summary of the legislative authorities that direct the various missions of the DOT.

- The Department of Transportation is established to develop and improve coordinated transportation service by cooperating with other federal, state and local governments to stimulate advances in transportation through research and development.
- The Secretary of Transportation, under the direction of the President, exercises leadership in transportation matters.
- The Department may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice.
- The Department administers the Essential Air Services program that subsidizes small communities that otherwise would lose air services.
- The Department issues licenses to U.S. air carriers, and permits to foreign air carriers, which are required for their operations under the applicable transportation statutes.

The Operating administrations and Offices Within DOT

USCG

- Except in times of war, when the Coast Guard operates as a service in the Navy, the Coast Guard is a part of the Department of Transportation. The Secretary of Transportation exercises all duties and powers related to the Coast Guard vested in the Department.
- The Commandant is the Chief Executive of the Coast Guard. The Commandant reports directly to the Secretary.
- The Coast Guard enforces all applicable federal laws relating to the high seas and waters subject to the jurisdiction of the United States.
- The Coast Guard engages in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States and administers laws and regulations for the promotion of safety of life and property on the high seas and waters subject to the jurisdiction of the United States.
- The Coast Guard establishes electronic aids to navigation systems and aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States.

- The Coast Guard administers the development of safety standards for commercial vessels, the licensing of crewmembers and the inspection of vessels to ensure compliance.
- The Coast Guard is responsible for a breadth of pollution prevention and response programs, including enforcement of the Oil Pollution Act of 1990.

FAA

- The FAA is headed by an Administrator, who is appointed by the President for a fixed term, and reports directly to the Secretary.
- The FAA promotes safe flight of civil aircraft in air commerce by prescribing standards for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers.
- The FAA issues airman certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates.
- The FAA is charged with developing and maintaining a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics.
- The FAA, through its commercial space transportation program, licenses launches of launch vehicles and the operation of non-federal launch sites within the United States and by U.S. citizens abroad.

FHWA

- The FHWA is headed by an Administrator, who is appointed by the President, and reports directly to the Secretary.
- The FHWA, through the Federal-Aid Highway Program, is charged with assisting states in improving their surface transportation systems. The primary focus of the federal-aid program is completion and expansion of the National Highway System, which provides an interconnected system of principal arterial routes which serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and major travel destinations.
- Through the Federal Lands Highway Program, the FHWA works with other federal agencies to plan and construct public lands highways, park roads and parkways, and Indian reservation roads.

FRA

- The FRA is headed by an Administrator, who is appointed by the President, and who reports directly to the Secretary.
- The FRA oversees our Nation's railroads, funds the rehabilitation of rail lines, and identifies and corrects unsafe conditions and practices.

NHTSA

- NHTSA is headed by an Administrator, who is appointed by the President, and who reports directly to the Secretary.
- NHTSA establishes automobile safety regulations, including crashworthiness standards and bumper standards, and consumer protection standards, including fuel efficiency standards and regulations relating to odometer settings.
- NHTSA carries out the duties and the powers of DOT to provide for aspects of highway safety, such as driver performance, other than highway safety design.

FTA

- The FTA is headed by an Administrator, who is appointed by the President, and reports directly to the Secretary.

- The FTA assists in the development, improvement and funding of mass transportation systems, equipment, facilities, techniques, and methods with the cooperation of public and private mass transportation companies.

SLSDC

- The Saint Lawrence Seaway Development Corporation is headed by an Administrator who is appointed by the President, and reports directly to the Secretary.
- The SLSDC was authorized to construct the Saint Lawrence Seaway, and to operate and maintain the seaway in coordination with the Saint Lawrence Seaway Authority of Canada.
- The SLSDC prescribes regulations and standards of competency to be met by SLSDC pilots for registration and sets rates and charges for pilotage services.

MARAD

- The Administrator of MARAD is appointed by the President, and reports directly to the Secretary.
- MARAD carries forth the congressional finding that it is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine...sufficient to carry...a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign waterborne commerce at all times...capable of serving as a naval and military auxiliary in time of war or national emergency.

RSPA

- RSPA is headed by an Administrator, who is appointed by the President, and who reports directly to the Secretary.
- RSPA regulates and enforces the safe transportation of hazardous materials.
- RSPA regulates and enforces the safety and environmental protection of pipeline transportation.
- RSPA is charged with coordinating emergency preparedness and response relating to transportation matters, including those matters affecting national defense and involving national or regional emergencies.
- RSPA provides coordination of multi-modal research functions in DOT and oversees a university transportation research program.
- RSPA carries out the duties and responsibilities assigned to the Volpe National Transportation Systems Center.

BTS

- The BTS is headed by a Director, who is appointed by the President, and who reports directly to the Secretary.
- The BTS is responsible for compiling, analyzing, and making accessible information about the Nation's transportation systems; collecting information on various aspects of transportation; and enhancing the quality and effectiveness of DOT's statistical programs.

FMCSA

- FMCSA is headed by an Administrator, who is appointed by the President, and who reports directly to the Secretary.
- FMCSA carries out duties and powers of DOT to provide for motor carrier safety.
- FMCSA manages program and regulatory activities, including administering laws and promulgating and enforcing regulations relating to motor carrier safety.

- FMCSA carries out motor carrier registration and authority to regulate household goods transportation.
- FMCSA develops strategies for improving commercial motor vehicle, operator and carrier safety.
- FMCSA inspects records and equipment of commercial motor carriers, investigates accidents and reports violations of motor carrier safety regulations.
- FMCSA carries out research, development and technology transfer activities to promote safety of operation and equipment of motor vehicles for the motor carrier transportation program.

LEGISLATIVE AUTHORITIES OF DOT

Office of the Secretary

Purpose

49 U.S.C. 101

“(a) The national objectives of general welfare, economic growth and stability, and security of the United States require the development of transportation policies and programs that contribute to provides fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of the United States.

(b) A Department of Transportation is necessary in the public interest and to –

- (1) ensure the coordinated and effective administration of the transportation programs of the United States Government;
- (2) make easier the development and improvement of coordinated transportation service to be provided by private enterprise to the greatest extent feasible;
- (3) encourage cooperation of federal, state, and local governments, carriers, labor and other interested persons to achieve transportation objectives;
- (4) stimulate technological advances in transportation, through research and development or otherwise;
- (5) provide general leadership in identifying and solving transportation problems; and
- (6) develop and recommend to the President and Congress transportation policies and programs to achieve transportation objectives considering the needs of the public, users, carriers, industry, labor and national defense.”

Organization

49 U.S.C. 102

(Provides that the Department is an Executive Branch agency; provides for the appointment of the Secretary, Deputy Secretary, Associate Deputy Secretary, five Assistant Secretaries (one in the competitive service), and a General Counsel.)

Duties

49 U.S.C. 301

“The Secretary of Transportation shall –

- (1) under the direction of the President, exercise leadership in transportation matters, including those matters affecting national defense and those matters involving national or regional emergencies;
- (2) provide leadership in the development of transportation policies and programs, and make recommendations to the President and Congress for their consideration and implementation;
- (3) coordinate federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;
- (4) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation;
- (5) consult and cooperate with the Secretary of Labor in compiling information regarding the status of labor-management contract and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation;

- (6) promote and undertake research and development related to transportation, including noise abatement, with particular attention to aircraft noise, and including basic highway vehicle science;
- (7) consult with the heads of other departments, agencies and instrumentalities of the United States Government on the transportation requirements of the Government, including encouraging them to establish and observe policies consistent with maintaining a coordinated transportation system in procuring transportation or in operating their own transport services;
- (8) consult and cooperate with state and local governments, carriers, labor, and other interested persons, including, when appropriate, holding informal public hearings; and
- (9) develop and coordinate federal policy on financing transportation infrastructure, including the provision of direct federal credit assistance and other techniques used to leverage federal transportation funds.

49 U.S.C. 302

“(c) The Secretary shall consider the needs –

- (1) for effectiveness and safety in the transportation systems; and
 - (2) of national defense
- (d) (1) it is the policy of the United States to promote the construction and commercialization of high-speed ground transportation systems by –
- (A) conducting economic and technological research;
 - (B) demonstrating advancements in high-speed ground transportation technologies;
 - (C) establishing a comprehensive policy for the development of such systems and the effective integration of the various high-speed ground transportation technologies; and
 - (D) minimizing the long-term risks of investors.

(2) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along federal-aid highway rights-of-way, as part of a national transportation system of the United States.

(e) Intermodal Transportation – It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthened the Nation’s ability to compete in the global economy, and obtain the optimum yield from the Nation’s transportation resources.”

Intermodalism

49 U.S.C. 5501

National Intermodal Transportation System policy

“(a) General. It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the United States to compete in the global economy, and will move individuals and property in an energy efficient way.

(b) System characteristics.

(1) The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic

development and supporting the United States' preeminent position in international commerce....”

49 U.S.C. 41310

(Authorizes Secretary to resolve international unfair competitive practices complaints.)

49 U.S.C. 41501, et seq.

(Authorizes Secretary to regulate pricing in foreign air transportation.)